

204 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-6641-2020
Date of Decision : 16.02.2021

Buta Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Gurvinder Singh Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.261 dated 24.11.2019 under Section 22 of the NDPS Act, 1985 registered at Police Station Tripuri, District Patiala, Punjab.

Learned counsel for the petitioner has placed on record the copy of the Echocardiography & Colour Doppler conducted by Patiala Heart Institute. As per the final impression, the petitioner has suffered Grade-III diastolic dysfunction, which according to petitioner, is a severe form of symptoms of advanced heart failure.

Learned counsel for the petitioner further submits that petitioner constantly needs medical attention and is not involved in any other case and at the time, when he was granted concession of interim bail, vide order dated 25.09.2020, the petitioner has already undergone 10 months of judicial custody.

Learned counsel for the petitioner further submits that petitioner has not misused the concession of interim bail granted to him as he was staying at home and is getting treatment from Government Rajendra Hospital, Patiala.

Learned counsel for the petitioner further relies upon the OPD slips to substantiate his arguments.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, the recovery of 600 intoxicant tablets of white colour and 12 bottles of intoxicant liquid make WIN CIREX 100 ML was effected.

Learned counsel for the petitioner further submits that police has sent the sample for testing to FSL after a delay of about four days and there are moot points to be decided during trial regarding the manner in which investigation was conducted.

Learned State counsel has filed the custody certificate in Court today and it is not disputed that petitioner is the first offender and he is in judicial custody for the last about 10 months.

Learned State counsel further submits that *challan* stands presented on 17.04.2020, however, till date charges have not been framed due to COVID-19 situation in the country and therefore, the prosecution evidence has not started.

After hearing learned counsel for the parties and considering the health condition of the petitioner and aforesaid facts as noticed above, the interim bail granted to the petitioner dated 25.09.2020 is made absolute, subject to the condition that petitioner will furnish fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

Accordingly, this petition is allowed.

16.02.2021

Waseem/Chetan

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No